

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

STEPHEN WILLIAMS,

Plaintiff,

v.

**J.B. HUNT TRANSPORT, INC.; J.B. HUNT,
LLC; J.B. HUNT GAS & OIL DRILLING,
LLC; J.B. HUNT; AND KEVIN FAVANT,**

Defendants.

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CIVIL ACTION NO. 1:21-cv-00136

JURY TRIAL DEMANDED

DEFENDANT J.B. HUNT TRANSPORT, INC.'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendant J.B. Hunt Transport, Inc. ("Defendant") hereby remove to this Court the state court action described in Paragraph 1 below. Pursuant to 28 U.S.C. § 1446(a), Defendants set forth the following "short and plain statement of the grounds for removal."

A. THE REMOVED CASE

1. The removed case is a civil action filed with the 201st Judicial District Court, Travis County, Texas, on or about December 30, 2020 styled *Stephen Williams v. J.B. Hunt Transport, Inc.; J.B. Hunt, LLC; J.B. Hunt Gas & Oil Drilling, LLC; J.B. Hunt; and Kevin Favant*; Cause No. D-1-GN-20-007782 (the "State Court Action"). According to the Plaintiff's Petition, this case arises from an alleged injury sustained by Plaintiff Stephen Williams on or about January 28, 2019 when involved in a motor vehicle accident at or near the intersection of East Ben White Road and Todd Lane in Austin, Travis County, Texas.

B. DOCUMENTS FROM REMOVED ACTION

2. Pursuant to 28 U.S.C. 1446(a), Defendants attach the following documents to this Notice of Removal as Exhibit “A”:

- i. Index of matters being filed;
- ii. A copy of the docket sheet in the state court action;
- iii. All executed service of process;
- iv. Pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions and all answers to such pleadings; and
- v. A list of all counsel of record, including addresses, telephone numbers and parties presented.

C. REMOVAL PROCEDURE

3. Except as otherwise expressly provided by Act of Congress, any civil action brought in a State Court of which the district courts of the United States have original jurisdiction may be removed to the district court of the United States for the district and division embracing the place where the action is pending. 28 U.S.C. § 1441. The Austin Division of the Western District Court of Texas is the United States district and division embracing Travis County, Texas, the county in which the State Court Action is pending.

4. Defendant J.B. Hunt Transport, Inc. was served with Plaintiff's Original Petition, (“Petition”) on January 14, 2021 through registered agent. Therefore, this Notice of Removal is filed within the time limits specified in 28 U.S.C. § 1446(b).

5. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings and orders in the State Court Action as of the date of this pleading are attached hereto and incorporated herein for all purposes.

6. Defendant will promptly give all parties written notice of the filing of this Notice of Removal and will promptly file a copy of this Notice of Removal with the Clerk of the 201st District Court, Travis County Texas, where the action is currently pending.

D. VENUE IS PROPER

7. The United States District Court for the Western District of Texas – Austin Division is the proper venue for removal of the state court action pursuant to 28 U.S.C. § 1441(a) because the 201st District Court, Travis County, Texas is located within the jurisdiction of the United States District Court for the Western District of Texas, Austin Division.

E. COMPLETE DIVERSITY OF CITIZENSHIP EXISTS

8. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship in accordance with 28 U.S.C. §§ 1441 and 1446.

9. As admitted in his Petition, Plaintiff is an individual who resides in Belton, Texas."¹

10. Defendant J.B. Hunt Transport, Inc. is a foreign corporation organized and existing under the laws of the State of Georgia and doing business in the State of Texas. Defendant J.B. Hunt Transport, Inc.'s primary place of business is in Lowell, Arkansas. Pursuant to 28 U.S.C. § 1332(c)(1), Defendant J.B. Hunt Transport, Inc. is not a citizen of the State of Texas. Rather, Defendant is a citizen of Arkansas and Georgia.

11. Defendant J.B. Hunt Gas & Oil Drilling, LLC and Defendant J.B. Hunt LLC are foreign corporations organized and existing under the laws of the State of Arkansas. Defendants J.B. Hunt Gas & Oil Drilling, LLC and Defendant J.B. Hunt LLC are not citizens of the State of Texas. Rather Defendants are a citizen of Arkansas.

¹ Pl. Original Petition at ¶ II.

12. Defendant Kevin Favant has not yet been served as of the time of the filing of this Notice.

13. Thus, because the Plaintiff is a resident of the State of Texas and Defendants are not, complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332.

F. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED

14. In his Petition, Plaintiff states the monetary relief sought is between \$250,000.00 to \$1,000,000.00, including damages, penalties, costs, expenses, and pre-judgment interest. In addition, Plaintiff seeks to recover damages against the Defendants for: (a) past and future medical expenses; (b) past and future pain and suffering; (c) past and future mental anguish; (d) past and future physical impairments; and (e) past loss of earnings and future loss of earning capacity.

15. Therefore, based on all of the aforementioned facts, the State Court Action may be removed to this Court by Defendant J.B. Hunt Transport, Inc. in accordance with the provisions of 28 U.S.C. § 1441(a) because: (i) this action is a civil action pending within the jurisdiction of the United States District Court for the Western District of Texas; (ii) this action is between citizens of different states; and (iii) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

G. FILING OF REMOVAL PAPERS

16. Pursuant to 28 U.S.C. § 1446(d), Defendant is providing written notice of the filing of this Notice of Removal to all counsel of record and are filing a copy of this Notice with the Clerk of the 201st District Court, Travis County, Texas, in which this action was originally commenced.

CONCLUSION

17. Defendant J.B. Hunt Transport, Inc. hereby removes the above-captioned action from the 201st District Court, Travis County Texas, and requests that further proceedings be conducted in the United States District Court for the Western District of Texas, Austin Division, as provided by law.

Respectfully submitted,

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By: /s/ Zach T. Mayer

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 8, 2021, the foregoing instrument was electronically filed, as required by the United States District Court for the Western District of Texas, using the Court's CM/ECF filing system, which will provide notice and a copy of this document, with attachments, to the following, who are indicated to be registered ECF filers in the United States District Court for the Western District of Texas:

Via ECF

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